

STALLMAN & POLLOCK LLP

Intellectual Property Attorneys

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San Francisco, CA 94111Telephone: (415) 772-4900
Facsimile: (415) 398-2890**TO:** Examiner Andrew T. Sever
Group Art Unit 2751
Commissioner for Patents
Washington, D.C. 20231**FAX:** 703-872-9306**PHONE:** 571-272-2128**FROM:** MICHAEL A. STALLMANTelephone: (415) 772-4900 Ext. 101
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Email: mSTALLMAN@STALLMANPOLLOCK.COM

DATE: May 20, 2004**TIME:****PAGES:** 17 (including cover)If you did not receive all of the pages in this fax, please
contact Georgia K. Stith at (415) 772-4900 Ext. 106.**OUR FILE NUMBER:** TWI-31500**RETURN TO:** G. Stith**RECEIVED
CENTRAL FAX CENTER****MAY 20 2004****OFFICIAL****Regarding U.S. Appln. No. 09/938,415, filed August 23, 2001**

Pursuant to our telephone conversation today, attached is a copy of the Response to Office Action Mailed September 23, 2003, which was filed in the PTO Nov. 24, 2003 (copy of return receipt postcard also attached). Also, please note that I am attaching a copy of a Change of Attorney or Agent's Address (37 CFR 1.8(a)) that we mailed to the PTO on May 13, 2004..

If you have any questions relative to the above, please give me a call. Thank you.

Michael A. Stallman (Reg. No. 29,444)

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PATENT

-1-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Inventors: Kenneth C. Johnson, et al.

Application No.: 09/938,415

Filed: August 23, 2001

For: OPTIMIZED APERTURE SHAPE FOR
OPTICAL CD/PROFILE METROLOGY

Confirmation No.: 9943

Group Art Unit: 2851

Examiner: Andrew T. Sever

**CHANGE OF ATTORNEY OR AGENT'S
ADDRESS IN APPLICATION
(37 CFR 1.8(a))**353 Sacramento Street, Suite 2200
San Francisco, CA 94111
(415) 772-4900Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**CERTIFICATE OF MAILING**I hereby certify that this correspondence is being deposited
with the United States Postal Service as First Class Mail in an
envelope, addressed to: Commissioner for Patents, P.O.
Box 1450 Alexandria, VA 22313-1450 on May 12 2004.

STALLMAN & POLLOCK LLP

Dated: 05/12/04

By: 

Tanisha Lawrence-Caceres

Sir:

Please send all correspondence for this application to:

STALLMAN & POLLOCK LLP
Attn: Michael A. Stallman
353 Sacramento Street, Suite 2200
San Francisco, CA 94111

Please direct all telephone calls to:

Michael A. Stallman
Telephone: (415) 772-4900
Facsimile: (415) 398-2890

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: 5/13/04

By: Michael A. Stallman
Reg. No. 29,444

Attorneys for Applicant(s)

Atty Docket No.: TWI-31500

TWI-31500

Serial/Patent/Reg. No. **09/938,415** S&P File No. **TWI-31500** By: **JDL:gks**
 In the Matter of the Application of: **Kenneth C. Johnson et al.**
 Title/Mark: **OPTIMIZED APERTURE SHAPE FOR OPTICAL CD/PROFILE METROLOGY**
 Date Mailed: **11/21/2003** Due Date: **12/23/2003**

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

<input checked="" type="checkbox"/> Transmittal Letter x2	<input type="checkbox"/> Trademark (Use) Appln., Drawing and _____ Specimens
<input type="checkbox"/> Patent Application _____	<input type="checkbox"/> ITU Trademark Application and Drawing
<input type="checkbox"/> _____ pgs. specification including _____ pgs. claims	<input type="checkbox"/> Request for Extension to Time (trademark)
<input type="checkbox"/> Drawings _____ sheets _____ formal _____ informal	<input type="checkbox"/> (Notice of Allowance: _____)
<input type="checkbox"/> Oath/Declaration	<input type="checkbox"/> Statement of Use/Amendment to Allege Use
<input type="checkbox"/> Assignment w/ Form PTO-1595	<input type="checkbox"/> Section 8 & 15 Declaration
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Trademark Renewal Application and _____ Specimen
<input type="checkbox"/> Small Entity Declaration	<input type="checkbox"/> Opposition to _____
<input checked="" type="checkbox"/> Deposit Account Authorization (in duplicate)	<input type="checkbox"/> Petition for Cancellation
<input type="checkbox"/> Information Disclosure Statement, PTO-1449 w/ _____ references	<input type="checkbox"/> Certificate of Mailing
<input checked="" type="checkbox"/> Check \$ 43.00	<input type="checkbox"/> Express Mail Certificate No. _____
<input checked="" type="checkbox"/> Response to 9/23/03 Office Action	<input type="checkbox"/> Certificate under §3.73(b)
<input checked="" type="checkbox"/> Request for Extension of Time XXXXXX	<input type="checkbox"/> Certificate of Correction (PTO Form 1050)
<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> XXXXXX Replacement Figs. 1, 2A,
<input type="checkbox"/> Notice of Appeal	<input checked="" type="checkbox"/> 2B and 5 (two shs. informal)
<input type="checkbox"/> Appeal Brief (in triplicate)	<input checked="" type="checkbox"/> Other: postcard
<input type="checkbox"/> Letter to Official Draftsman	
<input type="checkbox"/> Issue Fee Transmittal	
<input type="checkbox"/> Maintenance Fee Transmittal	
<input type="checkbox"/> Request for _____	

STALLMAN & POLLOCK LLP
121 Spear Street, Suite 290
San Francisco, CA 94105
(415) 512-1312

In re Patent Application of: Kenneth C. Johnson et al.

Atty Docket No. TWI-31500

Application No.: 09/938,415

Filed: August 23, 2001

For: OPTIMIZED APERTURE SHAPE FOR OPTICAL CD/PROFILE METROLOGY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmittal herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	16	MINUS	20	0	x \$18 =	\$0
INDEP.	4	MINUS	3	1	x \$86 =	\$86
FIRST PRESENTATION OF MULTIPLE DEP CLAIMS					+ \$290	\$0
					TOTAL	\$86

Small Entity 50% Filing-Fee Reduction (if applicable)

\$43

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.)

1. ☐ No additional fee is required.
2. ☒ A check in the amount of \$43.00 is attached.
3. ☒ Please charge any additional fees, including any fees necessary for extensions of time or credit overpayment to Deposit Account No. 50-1703, under Order No. TWI-31500.
A duplicate copy of this sheet is enclosed.
4. ☒ Petition for extension of time. The undersigned attorney of record hereby petitions for an extension of time pursuant to 37 C.F.R. § 1.136(a), as may be required, to file this response.

STALLMAN & POLLOCK LLP

Dated: November 20, 2003

By:

Jason D. Lohr
Jason D. Lohr (Reg. No. 48,163)
Attorneys for Applicant(s)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 21, 2003.

Dated: November 21, 2003

By:

Georgia K. Stith
Georgia K. Stith

09/938,415

-1-

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED
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In re Patent Application of

Kenneth C. Johnson, et al.

Application No.: 09/938,415

Filed: August 23, 2001

For: OPTIMIZED APERTURE SHAPE FOR
OPTICAL CD/PROFILE METROLOGY

Group Art Unit: 2851

Examiner: Andrew T. Sever

MAY 20 2004

OFFICIAL
**RESPONSE TO OFFICE ACTION
MAILED SEPTEMBER 23, 2003**121 Spear Street, Suite 290
San Francisco, CA 94105
(415) 512-1312Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**CERTIFICATE OF MAILING**I hereby certify that this correspondence is being deposited
with the United States Postal Service as First Class Mail in an
envelope, addressed to: Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313-1450 on Nov. 21, 2003.
STALLMAN & POLLOCK LLP

Dated: 11/21/2003

By:

Georgia K. Smith
Georgia K. Smith

Sir:

In response to the Office Action mailed September 23, 2003, please amend the above-
identified application as follows:**Amendments to the Specification** begin on page 2 of this paper.**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this
paper.**Amendments to the Drawings** begin on page 7 of this paper and include an attached replace
sheet.**Remarks/Arguments** begin on page 8 of this paper.

Atty Docket No.: TWI-31500

PAGE 5/17 * RCVD AT 5/20/2004 3:43:34 PM [Eastern Daylight Time] * SVR:USPTO-EFXXRF-1/2 * DNIS:8729306 * CSID: * DURATION (mm-ss):04-24